

**Cherokee County Board of Commissioners**  
**Meeting Agenda**

November 4, 2019

6:30 P.M.

**I. Call to order-Chairman**

*"Members of the County Board of Commissioners are advised, hereby, of their duty under the  
Local Government Ethics Act".*

**II. Invocation**

**III. Pledge of Allegiance**

**IV. Modification of Agenda**

**V. Agenda Adoption**

**VI. Public Hearing on Schedule of Values**

**VII. Public Forum**

**VIII. Minutes**

a) October 7, 2019

**IX. Finance and Budget**

a) Budget Revision for Additional State Grant Funds Received for the Family Planning Program (No county match)

**X. New Business**

a) Mark Kimball-Erlanger Western Carolina Hospital Progress Report

b) Preston Mashburn-Request for Use of Sale Barn for Town of Bethlehem Event

c) Tax Releases

d) Tax Refunds

e) NCVTS Report

f) Licensing Agreement for Use of Armory by MHS Wrestling Team

g) Valley River Picklers Request for Use of Armory

h) Landfill Update

i) Cherokee Well Drilling Property Discussion

**XI. County Manager Items**

**XII. Chairman/Commissioner Items**

**XIII. Closed Session-**Pursuant to §143-318.11, to meet with the economic development director to discuss matters relating to the location or expansion of industries.

**XIV. Adjourn**

Cherokee County Board of Commissioners  
Regular Meeting Minutes  
October 7, 2019  
6:30 P.M.  
Cherokee County Courthouse

Members present: Gary Westmoreland, Chairman; Roy Dickey, Vice-Chairman; Cal Stiles, member; Dr. Dan Eichenbaum, member; and C.B. McKinnon, member.

Staff present: Randy Wiggins, County Manager; Candy Anderson, Finance Officer; Maria Hass, Assistant County Manager and Clerk to the Board; and Darryl Brown, County Attorney.

Meetings are recorded by Local TV 4 and WKRC Radio Facebook Live.

**I. Call to Order**

**II. Ethics Statement**

Ethics statement read by Chairman.

**III. Invocation**

**IV. Pledge of Allegiance**

**V. Modification of Agenda**

Motion made by Commissioner McKinnon to add a budget revision for striping the basketball court at Konehete Park. Motion seconded by Commissioner Dickey. Motion passed unanimously.

**VI. Agenda Adoption**

Motion made by Commissioner Eichenbaum to adopt the agenda as modified. Motion seconded by Commissioner Dickey. Motion passed unanimously.

**VII. Public Forum**

Oscar Valdes and Jan Griggs spoke in support of replacing signage at Konehete Park and renaming Konehete Park to Konehete Veterans Park.

**VIII. Minutes**

Motion made by Commissioner Dickey to approve the minutes of August 28, 2019. Motion seconded by Commissioner Stiles. Motion passed unanimously.

Motion made by Commissioner McKinnon to approve the amended minutes of September 3, 2019. Motion seconded by Commissioner Stiles. Motion passed unanimously.

## **IX. Finance and Budget**

Motion made by Commissioner Dickey to approve a budget revision for Use of Insurance Proceeds to Repair Sheriff's Department Tahoe. Motion seconded by Commissioner Eichenbaum. Motion passed unanimously.

Motion made by Commissioner McKinnon to approve a budget revision for use of Disability Determination Service Reimbursements Revenue to Cover DSS Trust Overages and Increase Designated Fund Balance for DSS Trust. Motion seconded by Commissioner Eichenbaum. Motion passed unanimously.

Motion made by Commissioner McKinnon to approve a budget revision for striping the basketball courts at Konehete Park. Motion seconded by Commissioner Dickey. Motion passed unanimously.

## **X. New Business**

Chad Cook, District Fire Manager for the US Forest Service (USFS), came before the board to request use of the National Guard Armory as an Emergency Operations Center (EOC) and Incident Command Center (ICC). Mr. Cook said that the extreme dry season has put us at an increased risk of forest fires. He said USFS is planning ahead, so that in the event of an emergency, the EOC and ICC could be immediately activated and able to provide necessary administrative and logistical support to firefighting efforts. Mr. Cook said that there would be no need for the facility beyond that purpose. Board members told Mr. Cook that they had already promised use of the building to the Murphy High School wrestling team. No action was taken on the USFS request.

Motion made by Commissioner Eichenbaum to approve tax releases, as presented. Motion seconded by Commissioner Dickey. Motion passed unanimously.

Motion made by Commissioner McKinnon to approve the tax refund report. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.

Motion made by Commissioner Dickey to approve the NCVTS Report. Motion seconded by Commissioner Eichenbaum. Motion passed unanimously.

Eddie Allen, Cherokee County Tax Assessor, and Chris Ferriss of C.B. Ferriss, Inc. came before the board to present the 2020 Schedule of Values. A public hearing has been scheduled for the November 4th board meeting.

Motion made by Commissioner Stiles to approve a budget revision to tint the interior door and windows along the judge's corridor on the second floor of courthouse. Motion seconded by Commissioner Dickey. Voting in favor of the Motion was Commissioners Stiles, McKinnon, Dickey and Eichenbaum. Voting against the Motion was Commissioner Westmoreland. Motion passed.

The county manager shared the landfill update, as provided by the landfill director. Chad Simons, Murphy Town Manager, and Joe Stilwell, Town Public Works Director came before the board to request permission to install a manual bar screen at the detention center. Mr. Simons said that the cost of installation would be covered 100% by grant dollars. He said that the Town's water and sewer crews have experienced issues with solids leaving the detention center and jeopardizing one of their manholes. He said that he and the county manager have had conversation over the last year and a half about how to correct the problem. He said that he talked to Sheriff Palmer and the sheriff confirmed that inmate labor could be used to provide the routine maintenance/cleaning of the bar screen. He added that if inmates were assigned to maintaining the bar screen that it might incentivize or encourage them not to flush illegal items into the sewer system. Commissioner McKinnon shared his concerns with the county being responsible for the maintenance. Mr. Stilwell explained how the bar screen works and said that it comes with equipment which prevents anyone from having to touch the solids with their hands. Mr. Simons shared photos of waste in the manhole and Mr. Stilwell explained that the photos came from a drop-in monitoring system earlier in the day.

In his written proposal to the county, Mr. Simons shared that the jail is the only large customer entering that particular manhole, which is located above the propane station off of Regal Street. Mr. Simons said a manual bar screen at the detention center would protect the Town's gravity sewer system from the jail to the Konehete Lift Station. He said if the sewer main from the jail to the Konehete Lift Station is obstructed, it would shut down all of East Murphy; creating a large sewer overflow and jeopardizing the 150 horsepower pumps, which would cost \$80,000-\$100,000 to replace.

Commissioner McKinnon said that he would like to look at a similar system before he voted yes to it. Commissioner Dickey said that he would like it tabled to allow Commissioner McKinnon time to go look at one. After further discussion, a Motion was made by Commissioner Westmoreland to approve the installation of the manual bar screen. Motion seconded by Commissioner Stiles. Voting in favor of the Motion was Commissioners Westmoreland, Stiles and Dickey. Voting against the Motion was Commissioners Eichenbaum and McKinnon. Motion passed.

## **XI. County Manager Items**

Motion made by Commissioner Stiles to approve a budget revision for a survey of the Jackson Street property, which was donated by NCDOT for the new EMS Station 1. Motion seconded by Commissioner Westmoreland. Voting in favor of the Motion was Commissioners Stiles, Westmoreland and Dickey. Voting against the Motion was Commissioners McKinnon and Eichenbaum. Motion passed.

The county manager shared that the Board had received a letter from NCDOT in response to the Board's letter of inquiry requesting to know the intent of NCDOT concerning the Andrews-Murphy Branch Rail Line. The NCDOT concluded that the rail line should be preserved with the opportunity to restore the line for future freight and tourism services. The letter also stated that they are "committed to work closely with the County,

its communities and the property owners along the corridor on next steps, including reduction of the corridor width".

## **XII. Chairman/Commissioner Items**

Commissioner Eichenbaum commented on the request made in public forum for changing the name of Konehete Park and replacing the sign, saying that it presented some issues. He agreed, as a veteran himself, that our veterans should be honored. He said that there are annual events held for veterans, like the Benghazi Ride and Veterans Appreciation Day. He said that we also have an excellent veteran's services department and that he thinks the County has done some incredible things for veterans.

Commissioner Eichenbaum shared that the Town of Murphy had approved changing the name of Connahetta Street to Veteran's Memorial Lane and that he would move that the County approve the same. A Motion was made by Commissioner Eichenbaum to change the name of Connahetta Street to Veterans Memorial Lane. Motion seconded by Commissioner Westmoreland. Motion passed unanimously.

Motion made by Commissioner McKinnon to set the public hearing for the road name change for the next meeting. Motion seconded by Commissioner Stiles. Motion passed unanimously.

Motion made by Commissioner Westmoreland to approve 911 Addressing to make the new signs for Veterans Memorial Lane. Motion seconded by Commissioner McKinnon. Motion passed unanimously.

Commissioner Stiles thanked David Higdon and Higdon Construction for the work on the basketball court at Konehete Park.

## **XIII. Closed Session**

Motion made by Commissioner Dickey to go into closed session, pursuant to 143-318.11 (a) (3) To consult with the county attorney in order to preserve the attorney-client privilege, concerning the Hogan case and the opioid class action lawsuit; and (a) (5)-to discuss terms of the FBO renewal lease contract. Motion seconded by Commissioner Stiles. Motion passed unanimously.

After returning to open session, a Motion was made by Commissioner Eichenbaum to approve changes to the airport lease with Mr. Gayland Trull and to approve the 30 day advertisement of terms. Motion seconded by Commissioner McKinnon. Voting in favor of the Motion was Commissioners Eichenbaum, McKinnon, Westmoreland and Dickey. Voting against the Motion was Commissioner Stiles. Motion passed.

The county manager noted that the changes to Mr. Trull's lease included a 60-day out-clause for both parties, removal of taxiway and runway from leased property map. The lease term is five years.

#### **XIV. Adjournment**

There being no further business, a Motion was made by Commissioner Eichenbaum to adjourn. Motion seconded by Commissioner Stiles. Motion passed unanimously. Meeting adjourned at 8:30 PM.



## CHEROKEE COUNTY

75 Peachtree Street  
Murphy, NC 28906  
825-837-5527

Randy Wiggins, County Manager  
Candy R. Anderson, Finance Officer  
Darryl Brown, County Attorney

**Board of Commissioners**  
Gary Westmoreland, Chairman  
Roy Dickey, Vice Chairman  
Dan Eichenbaum  
C.B. McKinnon  
Cal Stiles

### **BUDGET REVISION**

11/4/2019

**(DECREASE)**

**INCREASE**

1045164-35105	CCHD - Grants	11,834.00
1095164-41210	Salary & Wages	8,044.00
1095164-41810	FICA	615.00
1095164-41820	Retirement	728.00
1095164-41830	Health Insurance	1,587.00
1095164-41860	Workers Comp	22.00
1095164-42380	Medical Supplies	838.00

Additional State Grant funds for the Family Planning Program received by the Health Department. No county match.

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Chairperson

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11/4/2019



Sent from my Verizon 4G LTE smartphone

----- Original message -----

From: "Collins, Deena" <[Deena.Collins@erlanger.org](mailto:Deena.Collins@erlanger.org)>  
Date: 10/21/19 11:08 AM (GMT-05:00)  
To: Randy Wiggins <[randy.wiggins@cherokeecounty-nc.gov](mailto:randy.wiggins@cherokeecounty-nc.gov)>  
Subject: Erlanger Progress

Randy,

Mark Kimball has requested that I contact you to ask for approximately 10 minutes at a county commissioner meeting to share the progress made in the last 16 months. I am being honest when I tell you how proud I am of what is happening. We feel that the commissioners and the citizens would like to hear how many new physicians have signed contracts and where they are and will be practicing.

Thank you for your consideration. Please let me know what I need to do to facilitate and what date you have in mind if you grant the request.

Have a blessed week,

Deena Collins

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CHEROKEE COUNTY TAX COLLECTOR  
REQUESTS FOR RELEASE

10/15/2019 thru 10/29/2019

Taxpayer Name	Year	Bill#	Tax Amt	Reason
Brady, Austin Felix	2019	3513	83.69	Double billed to Acct 770100090727
Nigel O'Sullivan Rental	2019	24929	29.18	Property sold in 2018-no longer rental
Tri-State Land Services	2019	34398	70.23	Business closed/dissolved 12/29/2018, per Jeremy Payne, owner
Love, Chris & Nina	2019	20702	85.87	Billed to wrong owner, per Bill of Sale. Created new bill for correct owner
Morley, Gerald & Millicent	2019	23804	75.00	SW Fee Double billed
Hernandez, Zenon & Carmella	2014	15090	77.86	SWMH sold to Justin Johnson in spring of 2013
Hernandez, Zenon & Carmella	2015	15071	77.86	SWMH sold to Justin Johnson in spring of 2013
Hernandez, Zenon & Carmella	2016	15222	77.86	SWMH sold to Justin Johnson in spring of 2013
Hernandez, Zenon & Carmella	2017	15384	77.86	SWMH sold to Justin Johnson in spring of 2013
Hernandez, Zenon & Carmella	2018	36051	77.86	SWMH sold to Justin Johnson in spring of 2013
Hernandez, Zenon & Carmella	2019	15387	77.86	SWMH sold to Justin Johnson in spring of 2013
Dube, Stephen J	2019	9689	54.81	1992 Mastercraft Prostar 190 19' moved out of state prior to 01/01/2019

TOTAL RELEASES REQUESTED

865.94

RUN DATE: 10/29/2019 1:53 PM

CHEROKEE COUNTY REFUND REPORT  
REFUND REPORT 10/15/2019-10/29/2019

NAME	BILL NUMBER	AMOUNT	OPER	DATE TIME
42444 BLOCKER KEVIN & W/ BLOCKER KRISTEN  25 CANE CREEK LN MURPHY, NC 28906	2018-19786	RP: 458113121683000  REC PMT AFTER GARNISHMENT COMPLETED  GARN MOOG CK 10060184 REFUND RECIPIENT:	121.13 EVELYN	10/25/2019 11:23:24 AM
34380 NICHOLS JOSHUA J  1395 BATES CREEK RD MURPHY, NC 28906	2014-24345	RP: 459300396117000  STORAGE BLDG WRONG VALUE  REFUND OF OVERPAYMENT (BOC APPROVED 10/21/2019) REFUND RECIPIENT:	138.16 HUGO	10/22/2019 2:13:26 PM
34380 NICHOLS JOSHUA J  1395 BATES CREEK RD MURPHY, NC 28906	2015-24300	RP: 459300396117000  STORAGE BLDG WRONG VALUE  REFUND OF OVERPAYMENT (BOC APPROVED 10/21/2019) REFUND RECIPIENT:	138.16 HUGO	10/22/2019 2:12:49 PM
34380 NICHOLS JOSHUA J  1395 BATES CREEK RD MURPHY, NC 28906	2016-24563	RP: 459300396117000  STORAGE BLDG WRONG VALUE  REFUND OF OVERPAYMENT (BOC APPROVED 10/21/2019) REFUND RECIPIENT:	138.16 HUGO	10/22/2019 2:12:04 PM
34380 NICHOLS JOSHUA J  1395 BATES CREEK RD	2017-24752	RP: 459300396117000  STORAGE BLDG WRONG VALUE	138.16 HUGO	10/22/2019 2:11:27 PM

MURPHY, NC 28906

REFUND OF OVERPAYMENT (BOC  
APPROVED 10/21/2019)  
REFUND RECIPIENT:

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34380 NICHOLS JOSHUA J	2018-19065	RP: 459300396117000	138.16	HUGO	10/22/2019 2:10:06 PM
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1395 BATES CREEK RD  
MURPHY, NC 28906

STORAGE BLDG WRONG VALUE  
  
REFUND OF OVERPAYMENT (BOC  
APPROVED 10/21/2019)  
REFUND RECIPIENT:

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11357 SCHROEDER GLEN A & W/ SCHROEDER SARI S 2120 PENN AVE ENGLEWOOD, FL 34224	2019-30096	RP: 455410267961000	37.49	DEBORAH	10/23/2019 12:29:58 PM
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OVERPAYMENT  
  
REFUND RECIPIENT:

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770080099420 WALDROUP CHRISTY LYNN	2014-34133	PERSONAL PROPERTY	89.25	HUGO	10/22/2019 10:43:09 AM
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299 MEADOWBROOK DR

ANDREWS, NC 28901

ORDER OF REPOSSESSION-DID NOT  
OWN  
  
REFUND OF GARN PMT REC (BOC  
APPROVED 10/21/2019)  
  
REFUND RECIPIENT:

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770080099420 WALDROUP CHRISTY LYNN	2014-34133	PERSONAL PROPERTY	46.57	HUGO	10/22/2019 10:44:52 AM
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299 MEADOWBROOK DR  
ANDREWS, NC 28901

ORDER OF REPOSSESSION-DID NOT  
OWN  
  
REFUND OF GARN PMT REC (BOC  
APPROVED 10/21/2019)  
REFUND RECIPIENT:

770080099420	2015-34154	PERSONAL PROPERTY	111.66	HUGO	10/22/2019 10:47:07 AM
WALDROUP CHRISTY LYNN		ORDER OF REPOSSESSION-DID NOT OWN			
299 MEADOWBROOK DR ANDREWS, NC 28901		REFUND OF GARN PMT REC (BOC APPROVED 10/21/2019) REFUND RECIPIENT:			

770080099420	2015-34154	PERSONAL PROPERTY	52.61	HUGO	10/22/2019 10:48:02 AM
WALDROUP CHRISTY LYNN		ORDER OF REPOSSESSION-DID NOT OWN			
299 MEADOWBROOK DR ANDREWS, NC 28901		REFUND OF GARN PMT REC (BOC APPROVED 10/21/2019) REFUND RECIPIENT:			

TOTAL REFUNDS PRINTED:	1,149.51
TOTAL VOID REFUNDS:	0.00
TOTAL:	1,149.51

STATE OF NORTH CAROLINA  
COUNTY OF CHEROKEE

## Licensing Agreement

THIS LICENSING AGREEMENT (License) is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_ 2019 by Cherokee County (County), a body politic, and political subdivision of the State of North Carolina and the Cherokee County Board of Education ("Cherokee County Schools").

### DECLARATIONS

WHEREAS, the County is the owner of the property commonly known as the Murphy National Guard Armory located at 118 James Mulkey Drive, Murphy, NC 28906.

WHEREAS, Cherokee County Schools is in need of a place for regular practice by the Murphy High School wrestling team.

### TERMS & CONDITIONS

WHEREFORE, Cherokee County, in service to its citizens, does hereby grant unto Cherokee County Schools a license to use the facility at 118 James Mulkey Drive, Murphy, NC subject to the terms and conditions of this licensing agreement.

Term-This license is revocable at will by the County.

Remuneration: Cherokee County Schools shall tender unto County one dollar in United States Currency per year in advance for this License, receipt of which is acknowledged by County.

Entry- Cherokee County Schools is granted a license to enter into and upon the lands and building of the Old National Guard Armory. The County is under no obligation whatsoever to maintain the grounds of ingress, egress or regress to the facility.

Alterations to facility – Cherokee County Schools nor its subordinates shall make physical alterations to the facility without the express written permission of Cherokee County. Any approved alterations must be accompanied by appropriate building permits and must comply with building codes of the State of North Carolina and Cherokee County.

Insurance- During the term of this license, Cherokee County Schools shall maintain commercial general liability insurance coverage with a company recognized and accepted by the North Carolina Department of Insurance of not less than one million dollars(\$1,000,000.00) per occurrence for bodily injury and one million dollars (\$1,000,000.00) per occurrence for property damage and other such insurance coverage as may be necessary for the conduct of business as and such insurance may be incorporated into the insurance currently carried by Cherokee County Schools. Any such policy shall include and name Cherokee County as an "additional insured." A copy of the insurance policy for the facility shall be provided to County by January 15 of each calendar year. Participation in the North Carolina School

Boards Trust Coverage Agreement by Cherokee County Schools is sufficient to meet the requirements of this section.

Hold Harmless- To the extent allowed by law, Cherokee County Schools indemnifies and will release and hold harmless Cherokee County for any damages or injuries incurred by any third party resulting from the negligence of Cherokee County Schools in its use of, ingress, egress, or regress to said facility.

Acceptance- Cherokee County Schools accepts the property subject to this license as is, where is. County does not warrant structural or operational integrity of the facility.

Assignment- Cherokee County Schools shall not assign this licensing agreement to any persons for any reason.

Use of facility- Cherokee County Schools may use the facility as a practice facility for the Murphy High Schools Wrestling team ONLY. No other events or uses may be conducted without written permission of the Cherokee County Government.

Maintenance- Cherokee County Schools shall be responsible for:  
the removal of all trash and debris from the facility each day of use,  
the general cleanliness of the restrooms and the practice area from the beginning of practice for the wrestling season until the last practice of the wrestling season. Any equipment used in the facilitation of wrestling practice shall be removed from the premises at the end of the wrestling season or at any time with 48-hours' notice by County to Cherokee County Schools.

Withdrawal/ Abandonment- Cherokee County Schools may withdraw from this licensing agreement at any time with written notice to the Office of the Cherokee County Manager.

County Use of facility- Cherokee County Schools shall allow the use of the facility at any time that such facility may be needed by County with 48 hours' notice to Cherokee County Schools.

Entry- Keys to the facility shall be maintained by Cherokee County Schools as provided by County. No duplication of keys is allowed. Keys shall be returned to the Cherokee County Manager's office within 48 hours of the last practice of the season. Entry to the premises is authorized for members of the Murphy High School wrestling team and their parents, custodians or guardians, coaches, training staff and administrators of Cherokee County Schools only. No other entry into the premises by any other persons shall be permitted by Cherokee County Schools.

Approval- This licensing agreement shall become effective upon affirmative vote of the Cherokee County Board of Commissioners as evidenced by the signature of the Chair of the Cherokee County Board of Commissioners and the Clerk to the Board below. Execution on behalf of Cherokee County Schools shall be evidenced by the signature of the Chair of the Cherokee County Board of Education, the Clerk to the Board AND the signature of the Athletic Director of Murphy High School. This license is void until complete execution by all parties below.

This the \_\_\_\_ day of \_\_\_\_\_ 2019.

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Gary Westmoreland  
Chairman of the Cherokee County Board of Commissioners

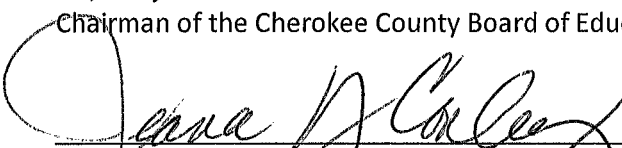
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Maria Hass, Clerk to the Board



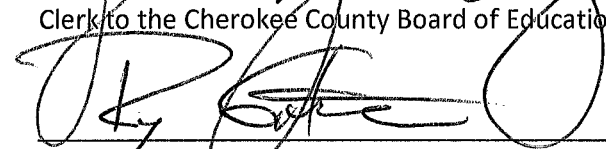
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Jeff Tatham  
Chairman of the Cherokee County Board of Education



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Jenna D. Collier  
Clerk to the Cherokee County Board of Education



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Athletic Director of Murphy High School



# Valley River Picklers

July 3, 2019

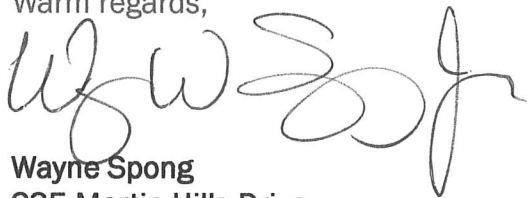
**The Honorable Randy Wiggins, County Manager**  
75 Peachtree Street, Murphy, NC 28906

Dear Mr. Wiggins,

I am writing to seek the permission of the County Commissioners to once again use the old National Guard Armory for pickleball when it becomes available. We had access to this facility prior to the July, 2015 Chattanooga Recruiting Station shootings. As I'm sure you are aware, following this incident the local armories were put on lock-down and we lost use of the armory.

As in the past, we are willing to line the courts and provide nets at our own expense. All we ask is that we regain the access lost after July, 2015.

Warm regards,

A handwritten signature in black ink, appearing to read 'W. Spong', written in a cursive style.

**Wayne Spong**  
235 Martin Hills Drive  
Valley River Picklers